

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

JOHN KEITH LAWRENCE,

Plaintiff,

v.

No. 1:16-cv-01247-JDB-cgc

CORECIVIC, et al.,

Defendants.

ORDER DENYING PLAINTIFF'S MOTION FOR RELIEF FROM JUDGMENT

Pro se Plaintiff, John Keith Lawrence, a prisoner at the Hardeman County Correctional Facility ("HCCF") in Whiteville, Tennessee, filed this action alleging violations of 42 U.S.C. § 1983 against various officials at the prison, as well as CoreCivic, the corporation responsible for running the facility. (Docket Entry ("D.E.") 1.) The Court dismissed all Defendants but one pursuant to the screening standards set forth in 28 U.S.C. § 1915. (D.E. 12.) Plaintiff voluntarily dismissed the remaining Defendant, Dr. Dietz, with prejudice on August 3, 2018, after the inmate was transferred to a different prison. (D.E. 20.) The Court entered judgment ten days later. (D.E. 21.) On December 31, 2018, Lawrence filed a motion with the Court requesting an injunction and restraining order against Defendants because he had been moved back to HCCF and Defendants allegedly resumed their offending conduct. (D.E. 22.)

Although Plaintiff seeks an injunction, his motion would procedurally require the Court to reopen the case. Thus, it is more fairly characterized as a motion for relief from judgment under Fed. R. Civ. P. 60(b). However, because Lawrence seeks to enjoin only new constitutional

violations, such relief is inappropriate, and the motion is, therefore, DENIED. If Plaintiff desires to pursue these new claims, he would need to file a new complaint.

Pursuant to 28 U.S.C. § 1915(a)(3), the Court must also consider whether an appeal of this order by Lawrence would be taken in good faith. The good faith standard is an objective one. *Coppedge v. United States*, 369 U.S. 438, 445 (1962). The test for whether an appeal is taken in good faith is whether the litigant seeks appellate review of any issue that is not frivolous. *Id.* The same considerations that lead the Court to deny this motion also compel the conclusion that an appeal would not be taken in good faith.

Therefore, it is CERTIFIED, pursuant to 28 U.S.C. §1915(a)(3), that any appeal in this matter by Plaintiff would not be taken in good faith.

IT IS SO ORDERED this 3rd of January 2019.

s/ J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE

Respectfully submitted,

PENTECOST, GLENN, MAULDIN & YORK, PLLC

By: s/Jessica H. Chandler
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CERTIFICATE OF SERVICE

This is to certify that this Proposed Order Granting Motion for Extension has been served electronically via the Court's ECF system or via U.S. Mail on the following:

John Keith Lawrence, #267123
West Tennessee State Penitentiary
480 Green Chapel Road
P.O. Box 1150
Henning, TN 38041-1150

This the 18th day of May, 2018.

PENTECOST, GLENN, MAULDIN & YORK, PLLC

By: s/Jessica H. Chandler
Jessica H. Chandler